

REMARKS

[01] Applicant notes that the substantive grounds of rejection appear to be verbatim copies of the grounds of rejection set forth in the previous Office Action. Only item 5 of the present Office Action provides any new information, so it is addressed first.

[02] It might be helpful to distinguish two aspects of a search engine: 1) how it decides which items to return (and which items not to return) in response to a query; and 2) how it presents the items it decides to return to the user. The present invention, as defined in Claim 1, addresses the latter and not the former.

[03] Biffar teaches a method in which prioritization is used in deciding what items to return (aspect 1 above), but does not teach using prioritization in determining how to present the returned to the user (aspect 2 above). The distinction is quite clear it is not even possible to prioritize a single item such as the single item returned in Biffar's preferred embodiment

[04] The present Office Action finds a disclosure of ranking returned results in Biffar's "Description of the Prior Art", Col. 1, lines 28-30, which reads in part "The better search engines attempt to rank the results, using various methodologies such as frequency of a site visited." The Office Action treats this sentence as though it describes Biffar's illustrated embodiment. However, this is error: the quoted sentence represents prior art that Biffar teaches away from. It is error to mix and match elements of distinct methods as though they belonged to a single method.

[05] The Office Action continues "Each returned item from search results was ranked based on priority characteristics". The Office Action purported to find support for this quoted statement in

Biffar's "Example" at Col. 11, lines 27-44, and Col. 12, lines 40-50. The Office Action appears to treat the cited passages as disclosing a list of automobiles returned to a user, with each automobile in a different "row". However, the rows refer to rows of seats in vehicles rather than rows in a list of returned results.

[06] For example, the Office Action purports to find a Mercedes sport utility in a first "row", a Durango sports utility vehicle in a second "row", and a Lincoln navigator in a third "row". However, what Biffar actually teaches is that the user has indicated that he is interest in vehicles with a third row of *seats* (e.g., to accommodate a large family), which the mentioned Mercedes, Durango, and Lincoln Navigator all have.

[07] In the example, if the Mercedes is available, it alone is presented to the user. If the Mercedes is not available, it is not presented to the user. Instead, an alternative such as the Durango or Lincoln Navigator is presented. Nowhere does Biffar disclose presenting a user with a list of cars.

[08] Regarding the motivation for combining Biffar and Rose, the Office Action states "Rose compensates for Biffar's deficiency . . .". However, the prior art does not establish that Biffar has a deficiency. Furthermore, the prioritization scheme taught by Rose cannot be applied to items returned by Biffar since Biffar returns only one item and Rose does not teach how to prioritize a single item (as that is impossible).

[09] The Office Action argues that Biffar teaches assigning a user to a community. The Office Action finds this teaching in that Biffar teaches profiling users. However, the Office Action does not provide authority for equating profiling and assignment users to communities. While it may be possible to assign users to

communities using profile data, it is also possible to use profile data without assigning users to communities. In Biffar's cases, the profile data is used directly in the search without an intermediate step of assigning a user to a community. So unless the Examiner can find some authority to show that you cannot profile a user without assigning that user to a community, the rejections of the community-based claims should be withdrawn.

[10] It should be noted that the Office Action further errors in asserting "Applicant argues that Biffar teaches prioritizing a single item." Instead, Applicant argues that Biffar teaches a method in which only one item is returned and that, since one cannot prioritize a single item, Biffar does not teach prioritizing returned items.

[11] The following arguments have been presented before in response to grounds of rejections that have not changed.

[12] Obviousness Rejection

[13] All pending claims are rejected as obvious in view of U.S. Patent No. 6,397,212 to Biffar, "Biffar" herein, as modified according to the teachings of U.S. Patent No. 5,724,567 to Rose et al., "Rose" herein. The rejections are traversed as detailed below.

[14] Claim 1--Prioritizing a single item

[15] Claim 1 specifies a method in which search items returned in response to a user's search request are prioritized. Biffar teaches a method in which a single item ("...the search engine always presents a complete holistic result", Biffar, abstract, first sentence) is returned in response to a search request. The holistic result is both an essential feature and advantage of Biffar's method.

[16] The Office Action concedes that Biffar does not disclose prioritizing this single item. Indeed, it is nonsensical to contemplate prioritizing a single item, as prioritization requires two or more items. Nonetheless, the Office Action asserts that Rose teaches modifying Biffar so that this single item is prioritized to expand and enhance Biffar's method. Rose nowhere teaches how to prioritize a single item. Furthermore, Rose does not even address prioritizing items returned in response to a user's search request. Clearly, Rose's references to prioritization contemplate situations in which two or more items are available for prioritization.

[17] Since Rose does not teach prioritizing a single item, Rose cannot suggest modifying Biffar to incorporate this ability. Accordingly, the proposed modification of Biffar according to Rose is impossible. As all outstanding rejections are based on this impossibility, the rejections should be withdrawn and all claims allowed.

[18] Claim 1--Failure of Motivation to Combine

[19] The Office Action asserts that the motivation to combine Biffar and Rose would be to expand and enhanced Biffar's method, of responding to a user search request. However, Rose does not teach a method for expanding or enhancing a method of responding to a user search request. In fact, Rose's information access system is contrasted with systems such as Biffar's in that no user search request is required for items to be returned. In other words, if one were to modify Biffar in accordance with Rose's teachings, the result would not respond to user requests as required by Claim 1. The attempt in the Office Action to ignore the main teaching of Rose while incorporating a detail of Rose constitutes an improper use of hindsight gleaned from the present application.

[20] Claim 2 -- Biffar Does Not Disclose A Community

[21] Claim 2 requires a step of assigning a user to a community. The Office Action purports to find this limitation in several places in Biffar. Biffar's abstract discloses the generation of user profiles, but does not disclose assigning a user to a community as required by Claim 2. The Office Action recites Col. 7, lines 49-61. This passage discusses how Biffar's search engine learns about a user and combines profiles of different users. However, there is no mention of assigning a user to a community. The Office Action also recites Col. 2, line 56-Col. 3, line 14. This is a background discussion on how a human salesman might operate, not a disclosure of how Biffar's embodiment operates. There is no discussion of assigning a user to a community and no prioritization of items returned in response to a query. Applicant requests that the Examiner, if he persists in this ground of rejection, make explicit how the "community" limitations of Claim 1 can be found in Biffar given the absence of that term from Biffar.

[22] Claim 2 also requires assignment of a search request to a search query. The Office Action purports to find this limitation in Biffar's Figs. 3 and 4. However, these figures do not depict the assignment of a search request to a search query. Instead, these figures appear to show a form that forces a user query into a predefined format so that no separate step of assigning a search request to a search query is required as called for by Claim 2.

[23] Claim 2 also requires submission of a query so as to yield a set of response items. The Office Action purports to find this limitation in the abstract and in Col. 7, line 62 to Col. 8 line 7. However, this limitation does not appear in either of these passages.

[24] Finally, Claim 2 requires prioritization according to prior search requests by a community. As noted above, Biffar does not disclose prioritization of returned items, and does not disclose a community. The Office Action purports to find this limitation at Biffar, Col. 11, lines 41-45. This passage discloses an algorithm for selecting a single response item, but not prioritizing multiple response items. While the word “priority” is used, it relates to characteristics, not to returned items.

[25] Claim 3

[26] Claim 3 requires tracking and storing of indications of user interest. The Office Action purports to find this limitation disclosed at Col. 11, line 62 to Col. 12, line 10. This cited passage describes some user actions, but does not disclose that they are tracked and stored.

[27] Claim 4

[28] Claim 4 requires the use of the results defined in Claim 3 in subsequent searches by other users assigned to the same community. Since Biffar does not disclose assigning users to a community, this limitation cannot be disclosed by Biffar. Nonetheless, the Office Action purports to find this limitation disclosed at Biffar, Col. 11, lines 54-62. However, this section refers solely to a single user--no mention is made of how the results for one user might affect the results for another user.

[29] Claim 5

[30] Claim 5 requires priority be given to a child community over a parent community. The Office Action purports to find this limitation met at Biffar, Col. 4, lines 28-67. Most of this section relates solely to an Item database, and has nothing to do with user

communities. Col. 4, lines 65-66 do mention user specific item descriptors, but these do not relate to assigning a user to a community or to prioritizing responses.

[31] Claim 6

[32] Claim 6 requires assigning a user to a community as a function of indications of interest. The Office Action purports to find this limitation met at Biffar, Col. 5, lines 4-9. This passage does relate to database hierarchies, but these are of item characteristics, not user communities.

[33] Claim 7

[34] Claim 7 requires community assignment by user selection. The Office Action purports to find this limitation met at Biffar, Col. 3, lines 25-35. This section parallels the abstract and characterizes the search engine as “self personalizing”. There is nothing in this passage that discloses a user selecting a community.

[35] Claim 8

[36] Claim 8 requires a user be assigned to a community based on a pre-existing user profile. The Office Action purports to find this limitation met at Biffar, Col., 4, lines 28-65. As discussed above with respect to Claim 5, this section describes the item database, not a search engine or method. There is nothing in this section that relates to assigning a user to a community.

[37] Claim 9

[38] Claim 9 requires, among other elements, a community assigner and the prioritizer, neither of which has counterparts in Biffar. The Office Action does not identify where Biffar discloses the limitations of Claim 9. However, it is clear that Biffar does not disclose the community assigner or the prioritizer.

[39] Claim 10

[40] Claim 10 requires a tracker for tracking indications of user interest to be used by a prioritizer. The Office Action purports to find this limitation at Biffar, Col. 7, lines 54-61. This passage appears to disclose user interest tracking used to develop a user profile, but does not disclose using the results to prioritize items returned in response to a search query.

[41] Claim 11

[42] Claim 11 requires a user be assigned to a community as a function of indications of interest. The Office Action purports to find this limitation at Biffar, Col. 8, lines 35-56. However, this passage does not mention assigning a user to a community nor does it mention indications of interest.

[43] Claim 12

[44] Claim 12 specifies four database fields: hit counts, hit-count values, query contexts, and a user and/or community field. The Office Action purports to find these limitations met by Biffar Fig. 5. However, none of the four claimed fields are illustrated in Fig. 5. Note that since Claim 12 do not require "prioritization", the teachings of Rose are irrelevant here (and for Claims 13 and 14). Applicant hereby requests that if this rejection of Claim 12 is reasserted, the Examiner specify with particularity how the Claimed elements can be found in Biffar, Fig. 5,

[45] Claim 13

[46] Claim 13 requires a decay field for indicating times associated with hit counts. The Office Action asserts that this limitation is addressed in the rejection of one of the preceding claims. However, none of the preceding claims have a limitation analogous to this decay limitation. Accordingly, there is no basis for the rejection of Claim 13.

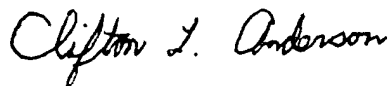
[47] Claim 14

[48] Claim 14 requires a periodic update to community record counts. The Office Action asserts that this limitation is addressed in the context of the rejections of preceding claims. However, this limitation has no analog in the preceding claims. Hence, there is no valid rejection of Claim 14.

[49] CONCLUSION

[50] The present rejections for obviousness differ from the previous rejections for anticipation only in that a secondary reference (Rose) is used to show prioritization of items. Accordingly, the traversals herein track those in the remarks to Amendments A and B. Also, the addition of Rose does not favor rejection as Rose does not teach how to prioritize the single item returned in response to a query as taught in the primary reference (Biffar). The rebuttal relies on misinterpretations of Applicant's traversals of the teachings in the primary reference, and should be withdrawn. Accordingly, Applicant respectfully requests allowance of the application in its current form.

Respectfully submitted



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